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5 DISTRICT OF IDAHO  
6 801 E. SHERMAN #192  
7 POCA TELLO, IDAHO 83201  
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U.S. COURTS  
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6 UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

9 UNITED STATES OF AMERICA, )

10 Plaintiff, )

11 vs. )

12 DUSTIN HOLM, )

13 Defendant. )

Case No. 03-220-E-BLW

**SECOND SUPERSEDING  
INDICTMENT**

**Vio. 18 U.S.C. § 876 (c)**

14  
15 **The Grand Jury charges:**

16 **COUNT ONE**

17 That on or about the 2<sup>nd</sup> day of July, 2003, in the State and District of Idaho, the defendant,  
18 **DUSTIN HOLM**, knowingly did cause to be delivered by the Postal Service according to the  
19 directions thereon, with the intent to threaten, a written communication, the envelope postmarked  
20 01 Jul 2003, addressed to "U.S. District Court Clerk, 801 S. Sherman #198, Pocatello, Idaho  
21 83201," and containing a threat to injure the persons inside the U.S. Courthouse in Pocatello, Idaho;  
22 in violation of Title 18, United States Code, Section 876(c).

23 **COUNT TWO**

24 That on or about the 3<sup>rd</sup> day of July, in the State and the District of Idaho, the  
25 defendant, **DUSTIN HOLM**, knowingly did cause to be delivered by the Postal Service  
26 according to the directions thereon, with the intent to threaten, a written communication, the  
27 envelope postmarked 01 Jul 2003, addressed to "Security Personel [sic], Idaho Nuclear  
28 Engineering Laboratories, 850 Energy Dr., Idaho Falls, Idaho 83402", and containing a threat to

1 injure the persons inside the building at 850 Energy Drive, Idaho Falls, Idaho; in violation of  
2 Title 18, United States Code, Section 876(c).

3 **COUNT THREE**

4 That on or about the 8<sup>th</sup> day of July, 2003, in the State and District of Idaho, the  
5 defendant, **DUSTIN HOLM**, knowingly did cause to be delivered by the Postal Service  
6 according to the directions thereon, with the intent to threaten, a written communication, the  
7 envelope postmarked 01 Jul 2003, addressed to "Dept. of Air Force, 1920 E. 17<sup>th</sup> St., Idaho Falls,  
8 Id. 83401", and containing a threat to injure the person who opened the envelope and other  
9 persons in the building; in violation of Title 18 United States Code. Section 876(c).

10 **COUNT FOUR**

11 That on or about the 1<sup>st</sup> day of July, 2003, in the State and District of Idaho, the  
12 defendant, **DUSTIN HOLM**, knowingly deposited in an authorized repository for mail matter,  
13 with the intent to threaten, by giving it to a jailer in the Bingham County Jail, Blackfoot, Idaho,  
14 to be sent or delivered by the Post Office, a written communication, the envelope postmarked 01  
15 Jul 2003, addressed to "Federal Bureau of Investigations, 545 W. Broadway, Jackson, Wyoming  
16 83025," and containing a threat to injure persons in that building; in violation of Title 18, United  
17 States Code, Section 876(c).

18 **COUNT FIVE**

19 That on or about the 1<sup>st</sup> day of July, 2003, in the State and District of Idaho, the  
20 defendant, **DUSTIN HOLM**, knowingly deposited in an authorized repository for mail matter,  
21 with the intent to threaten, by giving it to a jailer in the Bingham County Jail, Blackfoot, Idaho,  
22 to be sent or delivered by the Post Office, a written communication, the envelope postmarked 01  
23 Jul 2003, addressed to "U.S. Customs Dept., \* c/o\* U.S. Marshals, 250 S. 4<sup>th</sup> Ave., Pocatello,  
24 Idaho 83201," and containing a threat to injure persons in that building; in violation of Title 18,  
25 United States Code, Section 876(c).

26 **COUNT SIX**

27 That on or about the 1<sup>st</sup> day of July, 2003, in the State and District of Idaho, the  
28 defendant, **DUSTIN HOLM**, knowingly deposited in an authorized repository for mail matter,

1 with the intent to threaten, by giving it to a jailer in the Bingham County Jail, Blackfoot, Idaho,  
2 to be sent or delivered by the Post Office, a written communication, the envelope postmarked 01  
3 Jul 2003, addressed to "U.S. Marshals, 135 E. Simpson Ave, Jackson, Wyoming 83025," and  
4 containing a threat to injure persons in that building; in violation of Title 18, United States Code,  
5 Section 876(c).

6 **COUNT SEVEN**

7 That on or about the 28<sup>th</sup> day of June, 2004, in the State and District of Idaho, the  
8 defendant, **DUSTIN HOLM**, knowingly did cause to be delivered by the Postal Service  
9 according to the directions thereon, with the intent to threaten, a written communication, the  
10 envelope postmarked 25 Jun 2004, addressed to "Patricia Tobias, 451 W. State, Boise, Idaho,  
11 83702," and containing a threat to injure the persons inside the Idaho Supreme Court building,  
12 Boise, Idaho; in violation of Title 18, United States Code, Section 876(c).

13 **COUNT EIGHT**

14 That on or about the 28<sup>th</sup> day of June, 2004, in the State and District of Idaho, the  
15 defendant, **DUSTIN HOLM**, knowingly did cause to be delivered by the Postal Service  
16 according to the directions thereon, with the intent to threaten, a written communication, by  
17 depositing it in the mail from the Ada County Jail in Boise, Idaho, the envelope postmarked 24  
18 Jun 2004, addressed to "Judge Lloyd D. George, U.S. Courthouse, Room 6073, 333 Las Vegas  
19 Blvd. South, Las Vegas, Nevada, 89101," and containing a threat to injure the persons inside the  
20 U.S. Courthouse, Las Vegas, Nevada; in violation of Title 18, United States Code, Section  
21 876(c).

22 **COUNT NINE**

23 That on or about the 28<sup>th</sup> day of June, 2004, in the State and District of Idaho, the  
24 defendant, **DUSTIN HOLM**, knowingly did cause to be delivered by the Postal Service  
25 according to the directions thereon, with the intent to threaten, a written communication, by  
26 depositing it in the mail from the Ada County Jail in Boise, Idaho, the envelope postmarked 24  
27 Jun 2004, addressed to "Harley G. Lappin, Bureau of Prisons, 320 First St. NW, Washington,  
28 D.C., 20534," and containing a threat to injure the persons inside the Bureau of Prisons building,

1 Washington, D.C.; in violation of Title 18, United States Code, Section 876(c).

2 DATED this 24<sup>th</sup> day of August, 2004.

3  
4 A TRUE BILL:

5  
6   
7 FOREPERSON

8 THOMAS E. MOSS  
9 United States Attorney  
10 By:

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12 JACK B. HAYCOCK  
13 Assistant United States Attorney  
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# CRIMINAL COVERSHEET

DEFENDANT'S NAME: Dustin Holm

Juvenile: No

DEFENDANT'S  
STREET ADDRESS:

Service

Type:

Non-Secret/Warrant

Interpreter: No

If yes, language:

DEFENSE ATTORNEY: Kelly K. Kumm  
Address: 1305 E. Center Str.  
Pocatello, Idaho 83201  
Telephone No.: 208-232-4051

INVESTIGATING  
AGENCY & AGENT: S/A Kyle Wright, FBI  
Pocatello, Idaho

CASE INFORMATION: (List any miscellaneous, magistrate, CVB or other related defendants/case numbers.)

## CRIMINAL CHARGING INFORMATION

☐ Complaint ☐ Indictment ☐ Information ☒ Superseding Indictment  
☒ Felony ☐ Class A Misdemeanor ☐ Class B or C Misdemeanor (Petty Offense)  
County of Offense: Bingham Estimated Trial Time: 3 days

TITLE/SECTION	COUNTS	BRIEF DESCRIPTION	PENALTIES (Include Supervised Release and Special Assessments)
18 U.S.C. § 876(c)	1-9	Mailing Threatening Communications	Maximum of 5 years incarceration and/or \$250,000 fine, 3 years supervised release, and \$100 special assessment, on each count

Date: August 20, 2004

AUSA: Jack B. Haycock  
Telephone No.: (208)478-4166